REMARKS

Claims 1-37 are pending. By this response, claims 1 and 30 are amended. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

The Office Action rejects claims 1-37 under 35 U.S.C. §102(b) as being anticipated by Jensen, et al (US 5,671,219). This rejection is respectfully traversed.

Claim 1 recites, *inter alia*, a method of test receiving alternative reception frequencies in a receiver receiving a continuous flow of information of a unidirectional digital broadcasting transmission and a first reception frequency, the continuous flow of information including user terminating information, receiver including an information transfer routine that extracted flow of a specific user terminating information from the received continuous flow of information, the method comprising: predicting an interruption in the form of a natural break in the flow of specific user terminating information, based on an indication of the end of the specific user terminating information. Claim 1 further defines the interruption as being evaluated in a frequency of a receiver changed and tested if the evaluated interruption is of adequate length of time.

Jensen, contrary to the embodiments of the present invention, teaches an over the air protocol for a mobile telephone system. In Jensen, particular time slots (air channels) used for communication are negotiated in accordance with a certain "link establishing" procedure. See column 12, lines 22 through column 13, line 11. Upon establishing the link, a bidirectional exchange of control messages is performed. The negotiation results in the establishment of a communication link on the designated air channel. This means that the mobile transceiver is able to predict which time slots (air channels) that are not

used for communication of "specific user terminating information", which then can be used for the evaluation of alternative reception frequencies. See column 2, lines 30-32.

In Jensen, the receiver relies on the deterministic, cyclic communication pattern that is defined during the link establishing procedure to identify time slots that can be used for "other activities", such as measuring alternative frequencies without interrupting the specific user terminating information. See column 12, lines 22 through column 13, line 11 and column 14, lines 54-65. This is contrary to the present invention, as recited in claim 1, in which the behavior of the "specific user terminating information" is used in order to determine when interruption of the "other" information can occur without interrupting the specific user terminating information.

Further, Jensen describes a bidirectional one-to-one communication system. Thus, the link establishing procedure described in Jensen cannot teach the features of the present invention which are able to operate in a unidirectional system one-to-one or one-to-many. In the advisory action dated July 30, 2007, the Examiner states that "the claims do not preclude the use of bidirectional communication to predict an interruption in the form of a natural break in the flow of user terminating information." Applicants strongly disagree as it is commonly understood that a broadcasting transmission, as recited in the claims, is unidirectional. Nonetheless, applicants have amended claims 1 and 30 to explicitly recite "unidirectional digital broadcasting transmission." As such it is clear that Jensen does not teach this feature of claims 1 and 30.

Furthermore, as recited in claim 1, the receiver receives a continuous flow of information. In contrast, Jensen discloses a system where a user station and base station transmission are alternating on the same air channel.

See column 2, lines 6-14. Therefore, in Jensen, there is no continuous transmission for the user station (receiver) in receiving data.

Further, independent claim 30 defines a receiver configured to receive a continuous flow of information, including user terminating information, at a first reception frequency. The receiver includes, *inter alia*, an antenna, a demodulator, and a digital signal processing unit configured to carry out the method of claim 1. Therefore, independent claim 30 is patentable over Jensen for at least the reasons above with respect to claim 1.

Thus, applicant respectfully submits that Jensen fails to teach each and every feature of independent claims 1 and 30 as required. Therefore, Jensen fails to anticipate independent claims 1 and 30.

Regarding claims 2 and 3, these claims refer to the specific transmission protocols DVB-T and DAB, respectively. The method described in Jensen cannot use the DAB or DVB-T protocols, which are both unidirectional broadcast transmission protocols. As previously stated, Jensen refers to a bidirectional communication system and not a unidirectional communication system.

The Examiner refers to column 4, lines 39 through column 5, line 27 through 59, column 6, line 10 and column 14, lines 33-52 as teaching the features of dependent claims 2 and 3. Applicant respectfully submits that these parts of Jensen's disclosure merely refer to the possibility to 1) interconnect the system with other systems, such as cable TV networks, and 2) carry certain types of data, such as video and multimedia, which are often associated with broadcast applications. Neither the interconnection of other systems or the carrying of certain types of data for broadcast applications are

relevant to the DAB or DVB-T transmission protocols. Thus, Jensen does not teach or suggest these two protocols recited in dependent claims 2 and 3.

Therefore, in view of the above, applicant respectfully submits that claims 1 and 30 are distinguishable over the cited art. Further, dependent claims 2-29 and 31-37 are also distinguishable over the cited art for the above reasons as well as for the additional feature they recite. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Conclusion

For at least the reasons above, it is respectfully submitted that claims 1-37 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit

Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By _____

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